

**ORAL ARGUMENT NOT YET SCHEDULED****UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA, et al.,

*Petitioners,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and Lee M. Zeldin, Administrator  
of the U.S. Environmental Protection Agency,

*Respondents.*

No. 24-1193 (and consolidated  
cases)

**DECLARATION OF JOHN EVANS**

1. I, John Evans, under penalty of perjury, affirm and declare that the following statements are true and correct to the best of my knowledge and belief, and are based on my own personal knowledge or on information contained in the records of the United States Environmental Protection Agency (EPA) or supplied to me by EPA employees.

2. I am the Senior Advisor for Implementation in the Office of Land and Emergency Management (OLEM) at EPA. OLEM is responsible for overseeing the responses to abandoned and active hazardous waste sites, as well as accidental chemical releases under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). OLEM also works with programs within the Agency and representatives of various public and private organizations to enhance the cleanup of contaminated sites by encouraging innovative technologies to address contaminated soil and groundwater.

3. In my current capacity, I advise senior leadership in OLEM including on the implementation of EPA's national remedial action cleanup program under

CERCLA and the development and implementation of regulations designating hazardous substances pursuant to section 102(a) of CERCLA.

4. This declaration is filed in support of EPA’s motion to govern in *Chamber of Commerce, et al. v. U.S. Env’tl Protection Agency, et al.*, No. 24-1193 (D.C. Cir.) and consolidated cases.

#### Regulatory Background

5. On May 8, 2024, EPA issued a rulemaking designating perfluorooctanoic acid and perfluorooctanesulfonic acid, as well as their salts and structural isomers, as hazardous substances under section 102(a) of CERCLA. *See* “Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances,” 89 Fed. Reg. 39124 (May 8, 2024) (Designation Rule). Section 102(a) authorizes EPA to “promulgate and revise as may be appropriate, regulations designating as hazardous substances . . . such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment . . . .” 42 U.S.C. § 9602(a).

#### Review of the Designation Rule

6. Petitioners in the above-captioned cases challenged the Designation Rule in the summer of 2024, and the parties began briefing these cases.

7. A new administration took office on January 20, 2025.

8. Shortly thereafter, EPA asked that the Court hold the litigation in abeyance to allow new Agency leadership time to determine how to proceed with the litigation and the underlying rule.

9. The Court granted the initial abeyance on February 24, 2025, which was further extended on April 30, June 2, July 3, and August 20.

10. During that time, EPA reviewed the issues presented in these cases, evaluated the Designation Rule within the broader context of EPA’s comprehensive strategy to address PFOA and PFOS, and considered EPA’s position on how to proceed in this litigation.

11. Consistent with EPA's commitment to combat PFAS contamination, EPA has decided to keep the CERCLA Designation Rule in place.

12. This decision is in line with Administrator Zeldin's Powering the Great American Comeback Initiative and will advance Pillar 1: Clean Air, Land, and Water for Every American, and Pillar 3: Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership.

13. EPA will continue to engage with Congress and industry to establish a clear liability framework that ensures the polluter pays and passive receivers are protected.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of September, 2025.

SO DECLARED:

JOHN  
EVANS

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EVANS  
Date: 2025.09.17  
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John Evans, Senior Advisor for Implementation  
Office of Land and Emergency Management